

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 S/S Pot Rd, 322' W c/l Hereford *
 Rd.; 900' S of Maplehurst La. * ZONING COMMISSIONER
 16728-B Hereford Road *
 7th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District *
 Thomas L. Pittman, Jr. * Case No. 95-215-A
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 16728-B Hereford Road, in the northern section of Baltimore County. The Petition is filed by Thomas L. Pittman, Jr., property owner. Relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 10 ft., in lieu of the required 50 ft., for a proposed residential structure on an existing lot. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

Appearing at the requisite public hearing held for this case was Todd L. Morrill, an interested party representing the Petitioner. Also present was Geoffrey C. Schultz of McKee and Associates, the engineers/surveyors who prepared the site plan. The Petitioner was represented by Howard L. Alderman, Jr., Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject property is one acre in area and is zoned R.C.5. The site is a wide, yet shallow, rectangular lot which straddles a private road and joins Hereford Road. The property is located in northern Baltimore County not far from Monkton and York Roads.

ORDER RECEIVED FOR FILING

Date

By

1/23/95
[Signature]

MICROFILMED

Additional testimony and evidence offered was that the subject lot was created in 1963. This was prior to the adoption of the R.C. zoning classification in the B.C.Z.R. which requires a one acre lot minimum for R.C.5 properties. The Petitioner submitted a copy of a tax map which shows that the property is known as parcel 250 and is taxed by the State and County as a separate and individual property. As noted above, the property is bisected by a private road which leads from Hereford Road. Apparently, a number of property owners who abut this road have the right to utilize the road for access/egress to and from Hereford Road. However, that portion of the roadway, itself, which bifurcates this lot is held in fee by the property owner.

The narrowness of the lot justifies the requested variances. As shown on the site plan, the proposed house will face the roadway and the minimal side yard setbacks can be maintained. In fact, with the requirement that side yard setbacks be 50 ft., the lot would be unbuildable if a variance was not obtained. That is, the lot is only 86 ft. in width (502 ft. in length) and the required side yard setbacks, when coupled, exceed the total width of the property. Under these circumstances, this is a clear case where variance relief should be granted. Section 307 of the BCZR requires that the Zoning Commissioner find that a practical difficulty or unreasonable hardship would result if the variance relief was denied. Clearly such a difficulty or hardship would be caused here, in that a permitted purpose, (i.e., residential development) would not be allowed. As noted, the lot would be unbuildable if strict adherence to the regulations were required. Moreover, I find no evidence that a grant of the variance would cause any detriment to the surrounding locale and that the relief requested is consistent with the spirit and intent of the regulations. Sufficient facts are found to support a finding that the factors

unique to this lot, when compared with others in the area, justify the variance. Moreover, an aerial photograph submitted (Petitioner's Exhibit No. 2), shows another cluster of single family dwellings nearby. Thus, the proposed dwelling appears consistent with other uses in this locale.

Finally, it is to be noted that the Department of Environmental Protection Resource Management (DEPRM) has requested certain modifications to the building envelope to accommodate the sewerage disposal area. I will incorporate DEPRM's requirements as a condition precedent to the relief granted herein. In the alternative, the Petitioner can obtain a waiver of those requirements from DEPRM if that agency so approves same.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of January, 1995 that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 10 ft., in lieu of the required 50 ft., for a proposed residential structure on an existing lot, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

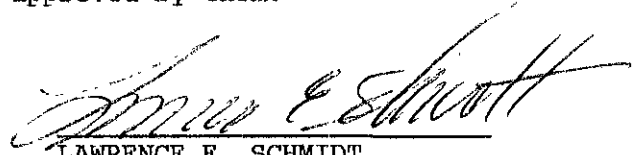
2. The Petitioner shall comply with the requirements set forth in the Zoning Plans Advisory Committee comment authored by DEPRM dated January 9, 1995. In the alternative, the Petitioner may obtain a waiver of the requirements contained within said comment from

ORDER RECEIVED FOR FILING

Date

By

DEPRM or satisfy that agency's concerns through
the resubmission of a plan approved by them.



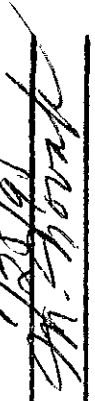
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING

Date

By



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 24, 1995

Howard L. Alderman, Jr., Esquire
Levin and Gann, P.A., Suite 113
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 95-215-A
Petition for Variance
Thomas L. Pittman, Jr., Petitioner
Property: 16728-B Hereford Road

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in part and denied in part.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. Todd L. Morrill
Mr. Thomas L. Pittman, Jr.
Mr. and Mrs. Thomas Pringle

MICROFILMED





Petition for Variance

95-215-A

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section See attached exhibit

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached exhibit

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Howard L. Alderman, Jr.

(Type or Print Name)

Signature

Levin & Gann

305 West Chesapeake Avenue

Address

Towson, Maryland 21204

City and State

321-0600

Attorney's Telephone No.:

Legal Owner(s):

Thomas L. Pittman, Jr.

(Type or Print Name)

Signature

(Type or Print Name)

Signature

15722 Irish Avenue 472-4184

Address

Phone No.

Monkton, Maryland 21111

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

McKee & Associates, Inc. 527-1555

Name

5 Shawan Road, Hunt Valley, MD 21030

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY:

JMA

DATE

12-13-94

209.

VARIANCE PETITION - Continuation Exhibit

16728B Hereford Road

95-215-A

Owner: Thomas L. Pittman

Zoning: RC-5

Variance Request:

from BCZR § 1A04.3.B.3 to permit side yard setbacks of ten feet in lieu of the 50' required for a proposed residential structure on an existing lot.

Justification:

Strict compliance with the requirements of the BCZR would result in practical difficulty and/or unreasonable hardship to the Petitioner based on the following:

1. Narrowness and configuration of existing lot;
2. Request is for a lot which pre-existed the RC zones;
3. Lot is bisected by pre-existing right-of-way; and
4. For such further reasons as may be presented at the time of the hearing on this Petition.

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

95-215-A

December 6, 1994

ZONING DESCRIPTION
16728B HEREFORD ROAD
SEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the south side of a private 30 foot wide road, which is 322 feet west of the centerline of Hereford Road, at a point being 900 feet, more or less, south of the centerline of Maplehurst Lane; thence running South 14° 08' 29" West 279.65 feet, North 75° 16' 03" West 86.66 feet, North 14° 08' 27" East 502.06 feet, South 75° 51' 02" East 86.66 feet, and South 14° 08' 29" West 223.30 feet to the place of beginning, as recorded in a deed Liber 10624, folio 478.

Being known as 16728B Hereford Road and located in the Seventh Election District.

Containing 43,560 square feet or 1.000 acres of land.



12/6/94

209.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District.....

Date of Posting 12/27/94

Posted for:

Petitioner: Thomas L. Pittman Jr

Location of property: 16728B Hare Ford Rd, s/s P&T Rd

Location of Signs: Facing roadway, on property, being zoned

Remarks: Posted at beginning of driveway leading to property

Posted by W. Pittman Date of return: 12/30/94
Signature

Number of Signs: 1

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-215-A
(Item 209)

16728-B Hereford Road
S/S Pot Road, 322' W of
c/l Hereford Road, which is
900' S of Maplehurst Lane
7th Election District
3rd Councilmanic
Legal Owner(s):

Thomas L. Pittman, Jr.

Hearing: Wednesday,

January 18, 1996 at 9:00

a.m. in Rm. 118, Old
Courthouse.

Variance to permit side yard setbacks of 10 feet in lieu of the 50 feet required for a proposed residential structure on an existing lot.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3301.
12/314 December 29.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 30, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 29, 1994.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

Publisher



Baltimore City
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

209.
receipt

95-215-A

Account: R-001-6150

Number

209.

Date

12-13-99.

THOMAS L. PITCOCK
16778 B HENRIETTA RD

SILA.

OIO UANIGGE

OSC 1 SIGN.

SC

3S

16778

SC

RECEIVED
BALTIMORE COUNTY
DEC 14 1999

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Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: # 209.

Petitioner: THOMAS L PITTMAN

Location: 16728B Hereford Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: THOMAS L PITTMAN

ADDRESS: 18722 IRISH AVE

MONKTON MD 21111

PHONE NUMBER: 472-4184

AJ:ggs

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(Revised 04/09/93)

209.

TO: PUTUXENT PUBLISHING COMPANY
December 29, 1994 Issue - Jeffersonian

Please forward billing to:

Thomas L. Pittman
15722 Irish Avenue
Monkton, Maryland 21111
410-472-4184

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-215-A (Ite, 209)
16728-B Hereford Road
S/S Pot Road, 322' W of c/l Hereford Road, which is 900' S of Maplehurst Lane
7th Election District - 3rd Councilmanic
Legal Owner(s): Thomas L. Pittman, Jr.
HEARING: WEDNESDAY, JANUARY 18, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit side yard setbacks of 10 feet in lieu of the 50 feet required for a proposed residential structure on a existing lot.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DECEMBER 22, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-215-A (Item 209)

16728-B Hereford Road

S/S Pot Road, 322' W of c/l Hereford Road, which is 900' S of Maplehurst Lane

7th Election District - 3rd Councilmanic

Legal Owner(s): Thomas L. Pittman, Jr.

HEARING: WEDNESDAY, JANUARY 18, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit side yard setbacks of 10 feet in lieu of the 50 feet required for a proposed residential structure on a existing lot.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Thomas L. Pittman, Jr.
Howard L. Alderman, Jr., Esq.
McKee & Associates

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 12, 1995

Howard L. Alderman, Jr. Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No.: 209
Case No.: 95-215A
Petitioner: Thomas Pittman, Jr.

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 13, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

RECEIVED
JAN 13 1995
ZONING DEPARTMENT



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director January 9, 1995
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #209 - Pittman Property
16728 B Hereford Road
Zoning Advisory Committee Meeting of December 27, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

Soil percolation tests have been completed for the subject unimproved lot. The site plan submitted with the Zoning Variance Request dated November 11, 1994 must be revised to increase the Sewage Disposal Area (SDA) to include the "D" test. Prior to issuance of a building permit for an unimproved lot, not served by public water, a well must be drilled which meets the minimum recovery yield of 1 gallon per minute after six (6) hours of continuous pumping.

✓
JLP:TE:sp

PITTMAN/DEPRM/TXTSBP

1-10-95



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

12-27-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: \$ 209 (JRA)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: January 4, 1995
Zoning Administration and Development Management

FROM *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 3, 1995
Items 173 (Case #94-176 SPH), (209,) 210, 211,
212, 213, and 214

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

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Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/22/94

Eric Jablon,
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DFC, 27, 1994.

Item No.: SEE BELOW

Zoning Agenda:

Entirement:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 208, 209, 210, 211,
212, 214, 215 AND 216.

RECEIVED

JAN 8 1995

ZADM

REVIEWER: LT. ROBERT E. SOUTHWALD
Fire Marshal, Office, PHONE 627-4281, PS-1105F

cc: File

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B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Zoning Administration and
 Development Management

DATE: December 21, 1994

FROM: Pat Keller, Director
 Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 207, 209, 210, 212, 214, and 215

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol Keene

PK/JL

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

February 13, 1995

(410) 887-4386

Mr. and Mrs. Thomas Pringle
16730 Hereford Road
Monkton, Maryland 21111

Re: Case No. 95-215-A
Petition for Variance
Thomas L. Pittman, Jr., Petitioner
Property: 16728-B Hereford Road

Dear Mr. and Mrs. Pringle:

This is in response to your most recent letter dated February 3, 1995 and to follow up my prior correspondence to you of January 24, 1995.

I want to emphasize, again, that although your previous letter did not make its way to the file until January 19, 1995, the letter was considered by me during my deliberations of this case. As I advised in my previous correspondence, the decision was rendered in this case on January 25, 1995. Thus, although your letter was delayed in coming to my attention, I did have same and reviewed it prior to making a decision in this case. Thus, I am not clear as to why you are "extremely disgruntled" in that your comments were reviewed and considered prior to a decision being made.

Apparently, Ms. Stephens advised you that any letter submitted would be reviewed by the Zoning Commissioner prior to the rendering of the decision, which was done, in this case.

Moreover, your short letter of January 3, 1995 was but a small part of the evidence submitted for my consideration. As I indicated in the body of my opinion and Order, testimony was received at the hearing from a representative of the Petitioner and also the engineer who prepared the site plan. Their testimony addressed the issue which you raised in your letter; namely, the 30 ft. right of way which bisects the property. As I noted in my opinion and prior letter to you, this right of way does not reduce the net acreage of the site in that it is held in fee simple by the property owner.

In any event, I, again, invite you to file an appeal from my decision if you were dissatisfied with same. You have until February 24, 1995 to file for an appeal. If you wish to discuss this matter further, please do not hesitate to contact me at 887-4386.

Very truly yours, |

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

cc: Honorable C.A. Dutch Ruppersberger, III
cc: Ms. Gwen Stephens, Docket Clerk, ZADM



RETURN
REQUESTED

CERTIFIED
P 335 441 519
MAIL

RETURN RECEIPT
REQUESTED

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SENDER: <ul style="list-style-type: none"> • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return the card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered. 		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Irving Klein Department Manager 111 W. Chicago Ave. Room 1212 Chicago, Illinois 60604		4a. Article Number 0004432205	
5. Signature (Addressee) [Signature]		4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Mailpiece	
6. Signature (Agent) [Signature]		7. Date of Delivery 1/4/85	
8. Addressee's Address (Only if requested and fee is paid)		8. Addressee's Address (Only if requested and fee is paid)	

PS 3811, December 1991 *U.S. GPO: 1982-323-402 DOMESTIC RETURN RECEIPT

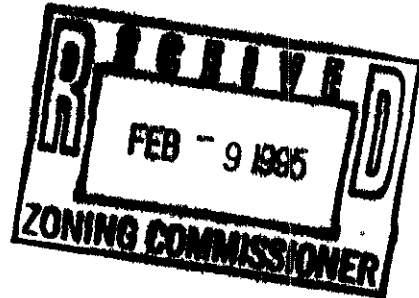
Thank you for using Return Receipt Service.

0004432205

February 3, 1995

Mr. C.A. Dutch Ruppertsberger, III
County Executive
Towson, Maryland

Re: Case #95-215A



Dear Mr. Ruppertsberger:

Recently my husband and I have been involved in a protest against the re-zoning of zone RC-5, of which we are residents. I inquired as to the procedure of a formal protest and was informed of two possibilities. It was not possible for my husband and/or I to appear personally at the hearing so we sent a letter stating our concerns that was to be read at the hearing.

I am enclosing a copy of my letter dated January 3, 1995 to the Zoning Administration & Development Management Department to the attention of Ms. Gwen Stevens. The hearing was scheduled for January 18, 1995; our registered letter was received on January 4, 1995 and signed for by a Julie A. Winiowski. However, much to my displeasure, the letter was not received by Mr. Schmidt, Zoning Commissioner, until January 19th. In addition to the fact that the letter was not read at the hearing, my husband and I were not notified of this situation until January 29, 1995.

As a homeowner and taxpayer I am extremely disgruntled with the lack of cooperation that I have received from the employees of the Zoning offices. I would very much appreciate you looking into this matter and advising me of your findings.

Sincerely,

Mr. & Mrs. Thomas Pringle
Mr. & Mrs. Thomas Pringle

Encl.

cc: Mr. Lawrence E. Schmidt
Zoning Commissioner

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

January 24, 1995

(410) 887-4386

Mr. and Mrs. Thomas R. Pringle
16730 Hereford Road
Monkton, Maryland 21111

RE: Case No. 95-215-A
Petition for Variance
Thomas L. Pittman, Jr., Petitioner
Property: 16728-B Hereford Road

Dear Mr. and Mrs. Pringle:

This is in response to your letter dated January 3, 1995 regarding the above matter. Unfortunately, although your letter was directed to the Zoning Administration and Development Management office, it did not make its way to my attention until January 19, 1995. This was the day after the public hearing held on the above captioned case. Although I add correspondence to the case file, the testimony and evidence presented at the public hearing held on any zoning petition is compelling. In this regard, I attach herewith a copy of my decision in this case which is based upon the testimony and evidence presented. It is unfortunate that you did not see fit or were, otherwise, unable to attend the public hearing and let your sentiments be expressed.

As to the points contained in your letter, you should be aware that this lot was created in 1963, prior to the creation of the R.C.5 zoning in Baltimore County. Moreover, the testimony presented was that the lot is one acre in size. Although bisected by a road, that roadway is apparently a private road and is not a public road owned by either Baltimore County or the State of Maryland. The testimony presented was that Mr. Pittman owns in fee the roadbed, although adjoining property owners have a right of way across same. Thus, this private roadway does not detract from the acreage of the property or subdivide the parcel into two lots.

In any event, if you are not satisfied with my decision, you have a right to appeal same to the County Board of Appeals. Please note that any such appeal must be filed within 30 days from the date of my written decision. I invite you to pursue that option if you deem same to be appropriate.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

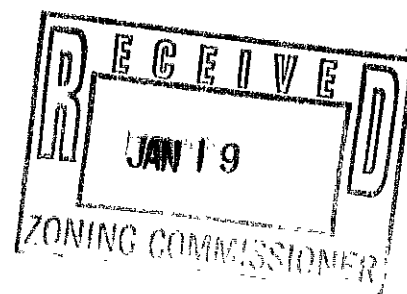
MICROFILMED



33-95

1/4/95
TO 68

January 3, 1995



Zoning Administration
& Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

ATTN: Gwen Stevens

Dear Mr. Stevens:

Thomas & Grace Pringle, of 16730 Hereford Road, residents in Zone RC-5 are protesting the request for rezoning of case #95-215-A for a variance from 50' off line to 10' off line, because one (1) acre of property is sub-divided by 30' right-of-way; which puts one-half (1/2) acre on one side and one-half (1/2) acre on the other side.

In Baltimore County it is stated you are required to have at least one acre of property.

Enclosed is a copy of original Blue Print of our property and the property in question.

Sincerely yours,

A handwritten signature in cursive script that reads "Thomas & Grace Pringle".

Thomas & Grace Pringle

enc.

A rectangular stamp with the word "RECEIVED" in large, bold, capital letters.

JAN 4 1995

ZADM

1/4/95

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



March 2, 1995

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Howard L. Alderman, Jr., Esquire
Levin and Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 95-215-A
16728-B Hereford Road
Thomas L. Pittman, Jr., Petitioner

Dear Mr. Alderman:

This is to acknowledge receipt of your letter of February 16, 1995. As you may or may not be aware, I received correspondence regarding the above captioned case from adjoining property owners, Mr. and Mrs. Thomas L. Pringle. A copy of their letters dated January 3 and February 3, 1995 are enclosed. Moreover, my responses thereto dated January 24 and February 13, 1995 are also enclosed.

In view of the neighbors interest, I am forwarding a copy of your letter to me dated February 16, 1995. By a copy hereof, I request that they contact me immediately should they wish to offer input on your requested modification.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

cc: Mr. and Mrs. Thomas Pringle

RE: PETITION FOR VARIANCE *
16728-B Hereford Road, S/S Pot Road,
322' W of c/l Hereford Road, which *
is 900' S of Maplehurst Lane, 7th *
Election District, 3rd Councilmanic *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Thomas L. Pittman, Jr. *
Petitioner

CASE NO. 95-215-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esquire, Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

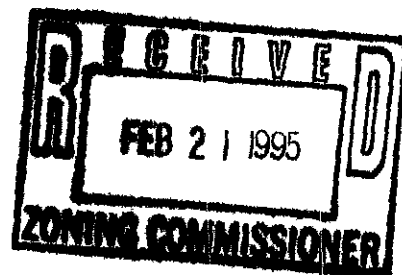
ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

February 16, 1995

HAND DELIVERED

Lawrence E. Schmidt, Zoning Commissioner
Baltimore County Zoning Commissioner's Office
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204



Re: Case No.: 95-215-A
16728-B Hereford Road
Thomas L. Pittman, Jr., Petitioner
Request for Modification of Proposed Building Envelope

Dear Commissioner Schmidt:

Thank you for your timely issuance of the decision in the above-referenced variance case. You will recall that on Petitioner's Exhibit No. 1, the building envelope was shown on the north side of the 30 foot wide common access drive, between the septic reserve area and the northern property line binding on the Cromwell property. Subsequent to the issuance of your decision, our client, Mr. Thomas L. Pittman, Jr., has received a proposed contract of purchase for the subject property. However, the potential contract purchaser has requested that the proposed building envelope be located on the south side of the existing 30 foot wide right-of-way.

Representatives of McKee and Associates have discussed this location with officials of the Department of Environmental Protection and Resource Management as the house would technically be located down hill from the proposed septic reserve area. Mr. Geoffrey Schultz of McKee and Associates has advised that DEPRM officials have approved an ejector pump configuration if the building is permitted to be located on the south side of the lot.


We are, therefore, requesting that you consider a modification to your order permitting the building envelope to be located on the south side of the 30 foot wide right-of-way as shown. I would note for the record that this requested modification in no way changes the variance as granted. The lot is rectangular in shape and, due to the extreme narrowness of the lot, the 10 foot side yard setbacks requested will not change.

Lawrence E. Schmidt, Zoning Commissioner
February 17, 1995
Page 2

Should you need additional information in this regard or should you be unable to modify your decision without a Special Hearing, please contact me at your earliest convenience. I enclose herewith a revised copy of Petitioner's Exhibit 1 for your reference which depicts the proposed modification.

Thank you for your consideration of this request.

Very truly yours,



Howard L. Alderman, Jr.

HLA/klf

Enclosure

cc: Mr. Thomas L. Pittman, Jr.
Mr. Geoffrey Schultz

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

GEOFFREY C. SCHULTZ

McKEE + ASSOC.

5 SHAWAN RD 21030

TODD L. MORRILL
Howard L. Alderman Sr. Eog

409 WASHINGTON Ave.
Levin & Gann PA ¹¹³ 305 W. Algonquin 21030



LAST LINE GLB NO 2321-3

S 82° 20' E

260.92

86.66

PIPE

PIPE

PIPE

208.23

1.27 ACRES ±

499.48

PIPE

N 80° 27' W

261.06

30 FOOT

RIGHT OF

86.71

527' TO
HERRFORD ROAD

N 70° 40' E

PIPE

PIPE

WAY

PIPE

1.00 ACRES ±

T FRAZIER

RUSSELL

296.25

1.73 ACRES ±

285.40

PIPE

PIPE

PIPE

PIPE

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2ND LINE GLB NO 2321-3

N 81° 44' W

260.93

86.66

PIPE

PIPE

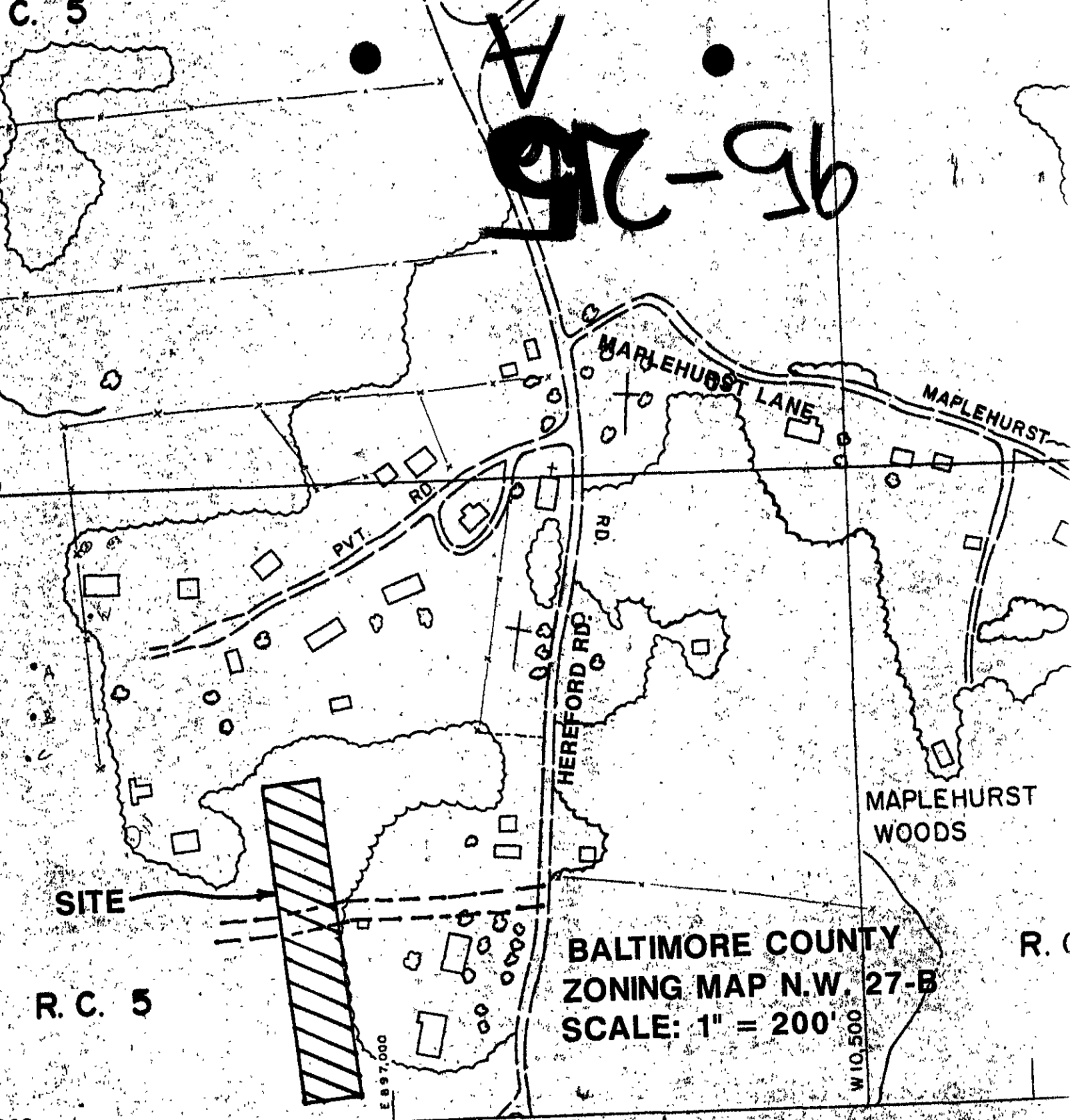
PROPERTY TO BE ACQUIRED
BY
THOMAS PRINGLE
LOCATED IN
7TH DISTRICT BALTO COMD

relative right way property in question

DRAWN BY 430 MARCH 1916 S
F. H. BERG BROTHERS
SURVEYORS & CIVIL ENGINEERS

C. 5

95-215-A



-SE

MICROFILMED

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988

Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88

[Signature]
Chairman, County Council

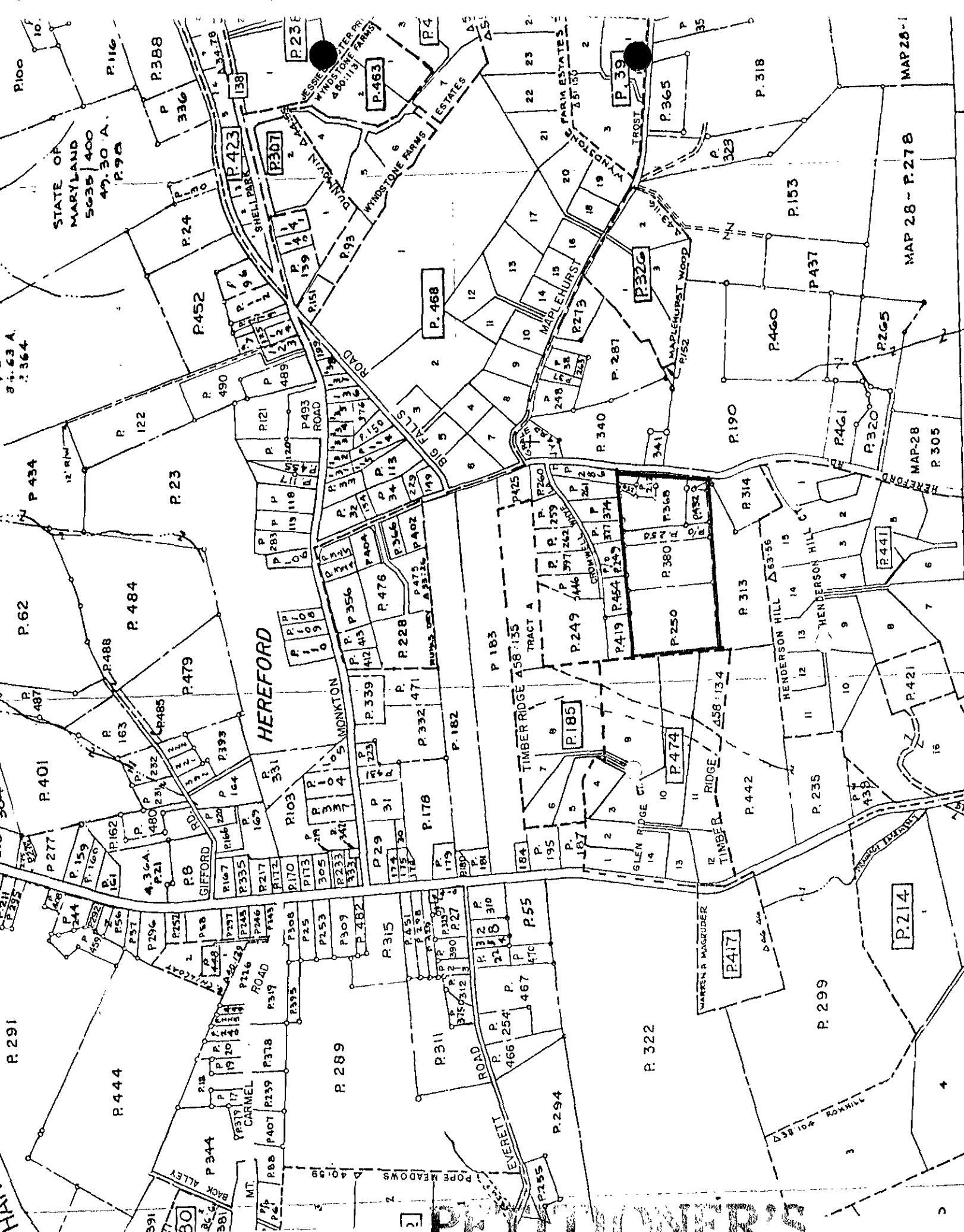
MAP HAS BEEN REVISED IN SELECTED AREAS.
GRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
CHART-HORN, INC, BALTIMORE, MD. 21210

209



**PETITIONER'S
EXHIBIT no2**

MICROFILMED



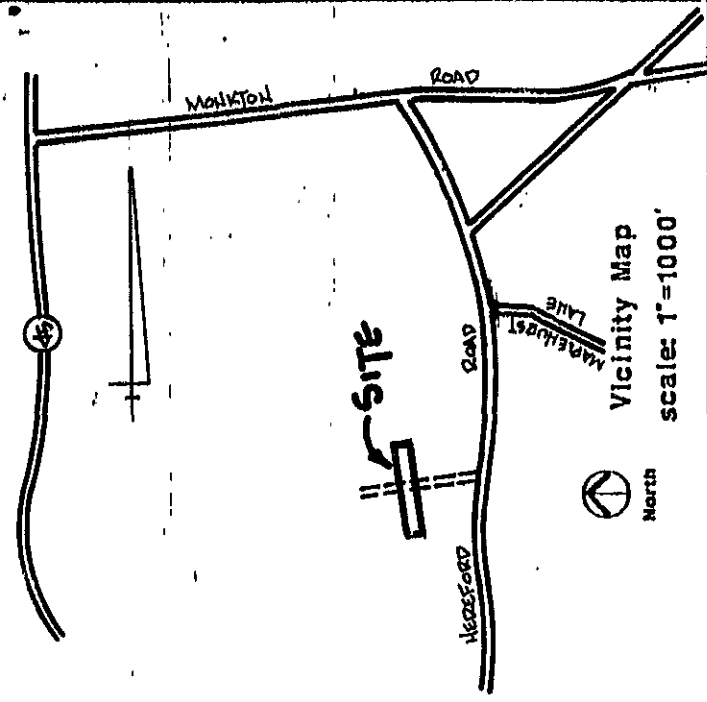
**PETITIONER'S
EXHIBIT** *No 3*

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing.

see pages 5 & 6 of the CHECKLIST for additional required information

NOTE:
THERE HAVE BEEN NO PROOF ZONING
HEARINGS FOR THIS PROPERTY.

DEED REF. 10624/478



Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
--------------	---------	--------

Scale of Drawing: 1" = 100'

No 1

microfilm

unique to this lot, when compared with others in the area, justify the variance. Moreover, an aerial photograph submitted (Petitioner's Exhibit No. 2), shows another cluster of single family dwellings nearby. Thus, the proposed dwelling appears consistent with other uses in this locale.

Finally, it is to be noted that the Department of Environmental Protection Resource Management (DEPRM) has requested certain modifications to the building envelope to accommodate the sewerage disposal area. I will incorporate DEPRM's requirements as a condition precedent to the relief granted herein. In the alternative, the Petitioner can obtain a waiver of those requirements from DEPRM if that agency so approves same.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of January, 1995 that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 10 ft., in lieu of the required 50 ft., for a proposed residential structure on an existing lot, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall comply with the requirements set forth in the Zoning Plans Advisory Committee comment authored by DEPRM dated January 9, 1995. In the alternative, the Petitioner may obtain a waiver of the requirements contained within said comment from

ORDER RECEIVED FOR FILING

Date

By

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Pot Rd, 322' W c/l Hereford * ZONING COMMISSIONER
Rd.; 900' S of Maplehurst La. *
16728-B Hereford Road * OF BALTIMORE COUNTY
7th Election District *
3rd Councilmanic District * Case No. 95-215-A
Thomas L. Pittman, Jr. *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 16728-B Hereford Road, in the northern section of Baltimore County. The Petition is filed by Thomas L. Pittman, Jr., property owner. Relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 10 ft., in lieu of the required 50 ft., for a proposed residential structure on an existing lot. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

Appearing at the requisite public hearing held for this case was Todd L. Morrill, an interested party representing the Petitioner. Also present was Geoffrey C. Schultz of McKee and Associates, the engineers/surveyors who prepared the site plan. The Petitioner was represented by Howard L. Alderman, Jr., Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject property is one acre in area and is zoned R.C.5. The site is a wide, yet shallow, rectangular lot which straddles a private road and joins Hereford Road. The property is located in northern Baltimore County not far from Monkton and York Roads.

Additional testimony and evidence offered was that the subject lot was created in 1963. This was prior to the adoption of the R.C. zoning classification in the B.C.Z.R. which requires a one acre lot minimum for R.C.5 properties. The Petitioner submitted a copy of a tax map which shows that the property is known as parcel 250 and is taxed by the State and County as a separate and individual property. As noted above, the property is bisected by a private road which leads from Hereford Road. Apparently, a number of property owners who abut this road have the right to utilize the road for access/egress to and from Hereford Road. However, that portion of the roadway, itself, which bifurcates this lot is held in fee by the property owner.

The narrowness of the lot justifies the requested variances. As shown on the site plan, the proposed house will face the roadway and the minimal side yard setbacks can be maintained. In fact, with the requirement that side yard setbacks be 50 ft., the lot would be unbuildable if a variance was not obtained. That is, the lot is only 86 ft. in width (502 ft. in length) and the required side yard setbacks, when coupled, exceed the total width of the property. Under these circumstances, this is a clear case where variance relief should be granted. Section 307 of the BCZR requires that the Zoning Commissioner find that a practical difficulty or unreasonable hardship would result if the variance relief was denied. Clearly such a difficulty or hardship would be caused here, in that a permitted purpose, (i.e., residential development) would not be allowed. As noted, the lot would be unbuildable if strict adherence to the regulations were required. Moreover, I find no evidence that a grant of the variance would cause any detriment to the surrounding locale and that the relief requested is consistent with the spirit and intent of the regulations. Sufficient facts are found to support a finding that the factors

-2-

unique to this lot, when compared with others in the area, justify the variance. Moreover, an aerial photograph submitted (Petitioner's Exhibit No. 2), shows another cluster of single family dwellings nearby. Thus, the proposed dwelling appears consistent with other uses in this locale.

Finally, it is to be noted that the Department of Environmental Protection Resource Management (DEPRM) has requested certain modifications to the building envelope to accommodate the sewerage disposal area. I will incorporate DEPRM's requirements as a condition precedent to the relief granted herein. In the alternative, the Petitioner can obtain a waiver of those requirements from DEPRM if that agency so approves same.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of January, 1995 that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 10 ft., in lieu of the required 50 ft., for a proposed residential structure on an existing lot, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall comply with the requirements set forth in the Zoning Plans Advisory Committee comment authorized by DEPRM dated January 9, 1995. In the alternative, the Petitioner may obtain a waiver of the requirements contained within said comment from

-3-

DEPRM or satisfy that agency's concerns through the resubmission of a plan approved by them.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

ORDER RECEIVED FOR FILING
Date 1/25/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/25/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 24, 1995

Howard L. Alderman, Jr., Esquire
Levin and Gann, P.A., Suite 113
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 95-215-A
Petition for Variance
Thomas L. Pittman, Jr., Petitioner
Property: 16728-B Hereford Road

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in part and denied in part.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

[Signature]
Lawrence E. Schmidt
Zoning Commissioner

LES:mnn
att.
cc: Mr. Todd L. Morrill
Mr. Thomas L. Pittman, Jr.
Mr. and Mrs. Thomas Pringle



Petition for Variance

95-215-A

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 10 feet in lieu of the required 50 feet for a proposed residential structure on an existing lot.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See attached exhibit

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Thomas L. Pittman, Jr.
[Signature]

Contract Purchaser/Lessee:

(Type or Print Name)
[Signature]

Address
City and State

Attorney for Petitioner:
Howard L. Alderman, Jr.
[Signature]

Address
City and State

Attorney's Telephone No. 1 321-0600

(Type or Print Name)
[Signature]

Address
City and State

Name, address and phone number of legal owner, tenant purchaser or representative to be contacted
McKee & Associates, Inc. 527-1555

Address
City and State

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2 HR. + 15 MIN.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: JLA DATE 12/3/94

209.

VARIANCE PETITION - Continuation Exhibit

16728B Hereford Road 95-215-A

Owner: Thomas L. Pittman

Zoning: RC-5

Variance request:

from BCZR § 1A04.3.B.3 to permit side yard setbacks of ten feet in lieu of the 50' required for a proposed residential structure on an existing lot.

Justification:

Strict compliance with the requirements of the BCZR would result in practical difficulty and/or unreasonable hardship to the Petitioner based on the following:

1. Narrowness and configuration of existing lot;
2. Request is for a lot which pre-existed the RC zones;
3. Lot is bisected by pre-existing right-of-way; and
4. For such further reasons as may be presented at the time of the hearing on this Petition.

c:\hearing\pittman.mf

209.

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555
Facsimile: (410) 527-1563

December 6, 1994

ZONING DESCRIPTION
16728B HEREFORD ROAD
SEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the south side of a private 30 foot wide road, which is 322 feet west of the centerline of Hereford Road, at a point being 900 feet, more or less, south of the centerline of Maplehurst Lane; thence running South 14° 08' 29" West 279.65 feet, North 75° 16' 03" West 86.66 feet, North 14° 08' 27" East 502.06 feet, South 75° 51' 02" East 86.66 feet, and South 14° 08' 29" West 223.30 feet to the place of beginning, as recorded in a deed Liber 10624, folio 478.

Being known as 16728B Hereford Road and located in the Seventh Election District.

Containing 43,560 square feet or 1.000 acres of land.



12/6/94

209.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

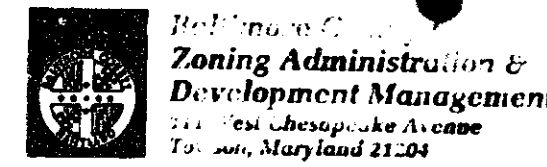
District: _____ Date of Posting: 12/29/94
Posted for: _____
Petitioner: Thomas L. Pittman, Jr.
Location of property: 16728-B Hereford Rd. Bk. 36 BTR
Location of Sign: Along driveway, on property being zoned
Remarks: to be at hearing of zoning hearing to property
Posted by: Arnold Jablon Date of return: 12/30/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 30, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 29, 1994

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case #95-215-A (Item 209)
16728-B Hereford Road, 8/8 Pot Road, 322' W of c/l Hereford Road, which is 900' S of Maplehurst Lane 7th Election District - 3rd Councilmanic Legal Owner(s): Thomas L. Pittman, Jr.
Hearing: Wednesday, January 18, 1995 at 9:00 a.m. in Rm. 118, Old Courthouse.
Variance to permit side yard setbacks of 10 feet in lieu of the 50 feet required for a proposed residential structure on an existing lot.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are held on request. Accessible for special accommodations. Please call 887-3353. (2) Other information concerning the file and/or hearing, please call 887-3353. 12/29/94 December 29.

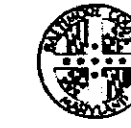


Date: 12 13 94
THOMAS L. PITTMAN
16728 B HEREFORD RD
C/O CARL RICHARDS
C/O SIGN
TOWSON

Account: ROC1-6190
Number: 209
Receipt
95-215-A
3112

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 209
Petitioner: THOMAS L. PITTMAN
Location: 16728-B Hereford Rd.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: THOMAS L. PITTMAN
ADDRESS: 16722 IRISH AVE
MURKIN MD 21111
PHONE NUMBER: 472-4184

AJ:ggg

(Revised 04/9/93)

209

TO: PITTMAN PUBLISHING COMPANY
December 29, 1994 Issue - Jeffersonian

Please forward billing to:

Thomas L. Pittman
15722 Irish Avenue
Monkton, Maryland 21111
410-472-4184

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-215-A (Item 209)
16728-B Hereford Road
8/8 Pot Road, 322' W of c/l Hereford Road, which is 900' S of Maplehurst Lane 7th Election District - 3rd Councilmanic Legal Owner(s): Thomas L. Pittman, Jr.
HEARING: WEDNESDAY, JANUARY 18, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit side yard setbacks of 10 feet in lieu of the 50 feet required for a proposed residential structure on an existing lot.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

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Arnold Jablon
Director

cc: Thomas L. Pittman, Jr.
Howard L. Alderman, Jr., Esq.
Moffet & Associates

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 12, 1995

Howard L. Alderman, Jr. Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No.: 209
Case No.: 95-215A
Petitioner: Thomas Pittman, Jr.

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 13, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
January 9, 1995
FROM: J. Lawrence Pilson
Development Coordinator, DEPRM
SUBJECT: Zoning Item #209 - Pittman Property
16728 B Hereford Road
Zoning Advisory Committee Meeting of December 27, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

Soil percolation tests have been completed for the subject unimproved lot. The site plan submitted with the Zoning Variance Request dated November 11, 1994 must be revised to increase the Sewage Disposal Area (SDA) to include the "D" test. Prior to issuance of a building permit for an unimproved lot, not served by public water, a well must be drilled which meets the minimum recovery yield of 1 gallon per minute after six (6) hours of continuous pumping.

JLP:TE:sp
PITTMAN/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 95-215-A (JLA)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 4, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 3, 1995
Items 173 (Case #94-176 SPH), 209, 210, 211,
212, 213, and 214

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 1/15/95

Arnold Jablon,
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1122

RE: Property Owners: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF C.O. OF 1994

Item No.: SEE BELOW Zoning Agenda:

Re: Item No.:

Pursuant to your request, the referenced property has been reviewed by this Bureau and the comments below are applicable and required to be conveyed or incorporated into the final plans for the property.

5. The Fire Department Office has no comments at this time in reference to the following item numbers: 209, 210, 211, 212, 213, and 214.

RECEIVED
JAN 8 1995
ZADM

REVIEWER: LT. ROBERT P. SUPERMAN
Fire Department Office, PHONE 227-4221, 227-4227

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 21, 1994
Zoning Administration and
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 207, 209, 210, 212, 214, and 215

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol Kern*

PK/JL

ITEM207/PZONE/TXTJWL

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

February 13, 1995

(410) 887-4386

Mr. and Mrs. Thomas Pringle
16730 Hereford Road
Monkton, Maryland 21111

Re: Case No. 95-215-A
Petition for Variance
Thomas L. Pittman, Jr., Petitioner
Property: 16728-B Hereford Road

Dear Mr. and Mrs. Pringle:

This is in response to your most recent letter dated February 3, 1995 and to follow up my prior correspondence to you of January 24, 1995.

I want to emphasize, again, that although your previous letter did not make its way to the file until January 19, 1995, the letter was considered by me during my deliberations of this case. As I advised in my previous correspondence, the decision was rendered in this case on January 25, 1995. Thus, although your letter was delayed in coming to my attention, I did have same and reviewed it prior to making a decision in this case. Thus, I am not clear as to why you are "extremely disgruntled" in that your comments were reviewed and considered prior to a decision being made.

Apparently, Ms. Stephens advised you that any letter submitted would be reviewed by the Zoning Commissioner prior to the rendering of the decision, which was done, in this case.

Moreover, your short letter of January 3, 1995 was but a small part of the evidence submitted for my consideration. As I indicated in the body of my opinion and Order, testimony was received at the hearing from a representative of the petitioner and also the engineer who prepared the site plan. Their testimony addressed the issue which you raised in your letter; namely, the 30 ft. right of way which bisects the property. As I noted in my opinion and prior letter to you, this right of way does not reduce the net acreage of the site in that it is held in fee simple by the property owner.

In any event, I, again, invite you to file an appeal from my decision if you were dissatisfied with same. You have until February 24, 1995 to file for an appeal. It you wish to discuss this matter further, please do not hesitate to contact me at 887-4386.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

cc: Honorable C.A. Dutch Ruppersberger, III
cc: Ms. Gwen Stephens, Docket Clerk, ZADM

Printed with Soy-based Ink
on Recycled Paper

SENDER: I am sending you a letter by the following service:
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2. ☐ Registered Mail
3. ☐ Return Receipt
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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

March 2, 1995

(410) 887-4386

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 95-215-A
16728-B Hereford Road
Thomas L. Pittman, Jr., Petitioner

Dear Mr. Alderman:

This is to acknowledge receipt of your letter of February 16, 1995. As you may or may not be aware, I received correspondence regarding the above captioned case from adjoining property owners, Mr. and Mrs. Thomas L. Pringle. A copy of their letters dated January 3 and February 3, 1995 are enclosed. Moreover, my responses thereto dated January 24 and February 13, 1995 are also enclosed.

In view of the neighbors interest, I am forwarding a copy of your letter to me dated February 16, 1995. By a copy hereof, I request that they contact me immediately should they wish to offer input on your requested modification.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LJS:mmm

encl.

cc: Mr. and Mrs. Thomas Pringle

RE: PETITION FOR VARIANCE *
16728-B Hereford Road, S/S Pot Road, *
322' W of c/l Hereford Road, which *
is 900' S of Maplehurst Lane, 7th *
Election District, 3rd Councilmanic *
Thomas L. Pittman, Jr. *
Petitioner *
* * * * *

BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
CASE NO. 95-215-A *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO

Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esquire, Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
8TH FLOOR
BALTIMORE, MARYLAND 21201
410-538-3700
TELECOPIER 410-538-0050

HOWARD L. ALDERMAN, JR.

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1853-1860)

February 16, 1995

HAND DELIVERED

Lawrence E. Schmidt, Zoning Commissioner
Baltimore County Zoning Commissioner's Office
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204

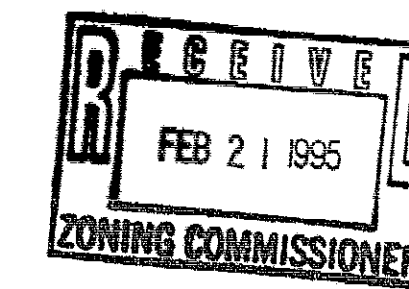
Re: Case No. 95-215-A
16728-B Hereford Road
Thomas L. Pittman, Jr. Petitioner
Request for Modification of Proposed Building Envelope

Dear Commissioner Schmidt:

Thank you for your timely issuance of the decision in the above-referenced variance case. You will recall that on Petitioner's Exhibit No. 1, the building envelope was shown on the north side of the 30 foot wide common access drive, between the septic reserve area and the northern property line binding on the Cromwell property. Subsequent to the issuance of your decision, our client, Mr. Thomas L. Pittman, Jr., has received a proposed contract of purchase for the subject property. However, the potential contract purchaser has requested that the proposed building envelope be located on the south side of the existing 30 foot wide right-of-way.

Representatives of McKee & Associates have discussed this location with officials of the Department of Environmental Protection and Resource Management as the house would technically be located down hill from the proposed septic reserve area. Mr. Geoffrey Schultz of McKee & Associates has advised that DEPRM officials have approved an ejector pump configuration if the building is permitted to be located on the south side of the lot.

We are, therefore, requesting that you consider a modification to your order permitting the building envelope to be located on the south side of the 30 foot wide right-of-way as shown. I would note for the record that this requested modification in no way changes the variance as granted. The lot is rectangular in shape and, due to the extreme narrowness of the lot, the 10 foot side yard setbacks requested will not change.



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
GEORGE C. SCHULTZ

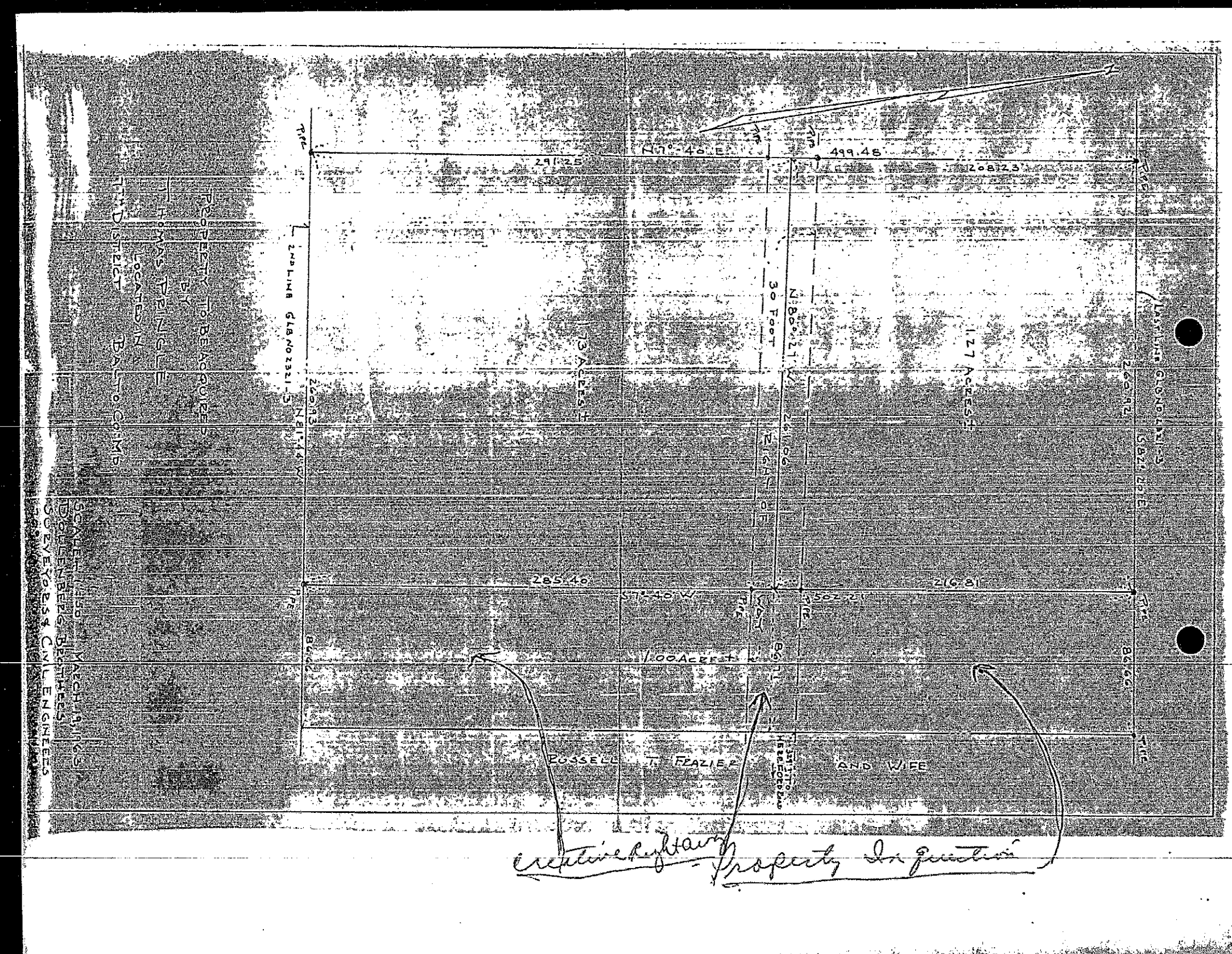
THOMAS L. MOERL
Howard L. Alderman Jr. Esq.

ADDRESS
McKEE & ASSOC.

5 SHAWAN RD 21030

409 WASHINGTON AVE.
Levin & Gann PH 305 W Chesapeake Ave.

Printed with Soybean Ink
on Recycled Paper



PETITIONER'S
EXHIBIT No. 1

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 16728 B HEREFORD ROAD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: N/A
plat book# _____, folio# _____, lot# _____, section# _____

OWNER: THOMAS L. PITTMAN
DEED REF: 106247-215

NOTE: THESE HAVE BEEN NO ZONING HEARINGS FOR THIS PROPERTY.

NOTE: 1. THERE ARE NO EXISTING STRUCTURES ON SITE.
2. THERE ARE NO SEWERS OR SEPTIC SYSTEMS WITHIN 100' OF THE SITE UNLESS OTHERWISE SHOWN.

OWNERSHIP
MR. THOMAS L. PITTMAN
18722 10TH AVENUE
MONROVIA, MARYLAND 21111

Scale of Drawing: 1" = 100'

North
date: 11-11-94
prepared by: McKEE & ASSOC., INC.

LOCATION INFORMATION
Councilmanic District: 3
Election District: 7
1"=200' scale map: NW 26-5
Zoning: R.C. 5
Lot size: 1.000 acreage 43,500.00 square feet

SEWER: ☐ public ☒ private
WATER: ☐ public ☒ private
Chesapeake Bay Critical Area: ☐ YES ☒ NO
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: _____ ITEM #: _____ CASE#: _____

